



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

JUL 22 2015

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

EPA WARNING LETTER

David Maher
Branch Manager
Wilbur-Ellis Company
77169 Spring Hollow Road
Adams, Oregon 97810

Re: Risk Management Program Compliance Inspection
EPA Facility ID# 1000 0007 4082

Dear Mr. Maher:

On June 26, 2015 the U.S. Environmental Protection Agency (EPA) conducted an inspection of the Wilbur-Ellis facility located at 77169 Spring Hollow Road, Adams, Oregon. The purpose of the inspection was to evaluate compliance with Section 112(r) of the Clean Air Act also known as the Risk Management Program (RMP). The RMP inspection was conducted pursuant to the authorities under Section 112(r) and Section 114 of the Clean Air Act. Listed below are the areas of concern identified by EPA:

1. **Contractors:** Wilbur-Ellis failed to obtain and evaluate information regarding the contract owner or operator's safety performance and programs when selecting a contractor as required by 40 C.F.R. § 68.87(b)(1). Wilbur-Ellis was unable to produce documentation on their contractor, Kenny Millhouse, who conducts maintenance on the ammonia process equipment.
2. **Contractors:** Wilbur-Ellis failed to periodically evaluate the performance of the contract owner or operator in fulfilling their obligations as specified in 68.87(c) as required by 40 C.F.R. § 68.87(b)(5). Wilbur-Ellis was unable to produce documentation on the evaluation of their contractor, Kenny Millhouse who conducts maintenance on the ammonia process equipment.
3. **Compliance Audits:** Wilbur-Ellis failed to certify that the stationary source has evaluated compliance with the provisions of the prevention program at least every three years to verify that the developed procedures and practices are adequate and being followed as required by 40 C.F.R. § 68.79(a). Wilbur-Ellis was unable to produce documentation certifying the completion of their 2009 Compliance Audit.

Please provide the documentation to substantiate that the areas of concern listed above have been corrected. A copy of the documents must be sent to Javier Morales, RMP Coordinator, within 14 days of your receipt of this letter. The documents may be sent via e-mail, fax or mail.

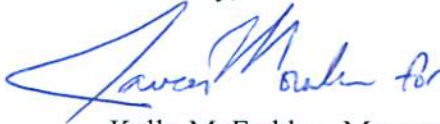
Javier Morales, RMP Coordinator
U.S. EPA Region 10
1200 Sixth Avenue, Suite 900, OCE-101
Seattle, WA 98101
Fax: (206) 553-4743

Please refer to the document *General Risk Management Program Guidance* for additional information pertaining to the areas of concern addressed above. This guidance document can be found on EPA's website at:

http://www.epa.gov/emergencies/content/rmp/rmp_guidance.htm#General

We urge you to take the steps necessary to address these concerns and to ensure that all aspects of your operation are conducted in accordance with all applicable federal, state, and local requirements. If in the future, additional violations are identified and/or corrections to the identified concerns are not made, EPA may proceed with enforcement action. If you have any questions about the inspection or the Risk Management Program, please contact Javier Morales, RMP Coordinator, at (206) 553-1255 or morales.javier@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kelly McFadden for".

Kelly McFadden, Manager
Pesticides and Toxics Unit